



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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August 21, 2003

IN REPLY PLEASE  
REFER TO FILE: PD-4

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**ANAHEIM STREET DRAIN AND PUMP STATION PROJECT  
ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY-COUNTY  
AGREEMENT NO. 73412 AMENDMENT  
SUPERVISORIAL DISTRICT 4  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

Approve and instruct the Chair to sign Amendment to Agreement No. 73412 between the Alameda Corridor Transportation Authority and the Los Angeles County Flood Control District. The amendment provides for an increase in the Los Angeles County Flood Control District's contribution for the design and construction of the Anaheim Street Drain and Pump Station project from a fixed amount of \$11,500,000 to an amount not to exceed \$12,750,000.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On June 19, 2001, Synopsis 76, your Board approved Agreement No. 73412 with the Alameda Corridor Transportation Authority (ACTA), which established ACTA's responsibility to design, construct, and inspect the Anaheim Street Drain and Pump Station project and the Los Angeles County Flood Control District (District) fixed contribution of \$11,500,000. During the design phase, the District and ACTA determined that the pump station should be redesigned. As a result, the project cost increased.

This amendment provides for the District to increase its contribution to an amount not to exceed \$12,750,000. It includes 70 percent of the pump station redesign cost and 70 percent of the possible increase in construction cost exceeding the original cost estimate of \$7,200,000 up to a combined maximum amount of \$1,250,000. Your Board's approval of the amendment is necessary to delineate the financing of the cost increase.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County's Strategic Plan Goal of Organizational Effectiveness by utilizing a collaborative effort to expedite completion of the project. It also satisfies the goal of Service Excellence since the project will alleviate flooding and increase pedestrian and vehicular safety throughout the project area.

### **FISCAL IMPACT/FINANCING**

The amendment will increase the District's contribution to the project from \$11,500,000 to an amount not to exceed \$12,750,000. Financing for this amendment is available from the Fiscal Year 2003-04 Flood Control District budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The agreement has been reviewed and approved as to form by County Counsel. This agreement was executed by ACTA on August 6, 2003.

### **ENVIRONMENTAL DOCUMENTATION**

On June 19, 2001, Synopsis 76, your Board considered the Alameda Corridor Final Environmental Impact Report/Environmental Impact Statement, determined that the Anaheim Street Drain and Pump Station is within the scope of the Alameda Corridor project, and found that the Alameda Corridor Final Environmental Impact Report/Environmental Impact Statement adequately described the impacts of the Anaheim Street Drain and Pump Station for the purposes of the California Environmental Quality Act. Approval of this amendment does not constitute a material change in the project. Therefore, approval of this amendment will not require additional California Environmental Quality Act findings by your Board.

The Honorable Board of Supervisors  
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**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This project will not have a significant impact on current flood control services or projects currently planned. Upon completion of construction to the satisfaction of the District, the District will be responsible for future operation, maintenance, and repair of the drain and pump station.

**CONCLUSION**

We are enclosing three originals of Amendment to Agreement No. 73412, which have been executed by ACTA and approved as to form by County Counsel. Please return two fully executed originals of the amendment along with one approved copy of this letter to Public Works for further processing. The amendment labeled County original is to be retained for your files.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

SM:rr

C040226

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Enc.

cc: Chief Administrative Office  
County Counsel

## AMENDMENT TO AGREEMENT NO. 73412

THIS AMENDMENT TO AGREEMENT, made and entered into by and between the ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, hereinafter referred to as "ACTA," and the COUNTY OF LOS ANGELES acting in its capacity as the governing authority of the Los Angeles County Flood Control District, hereinafter referred to as "COUNTY":

### WITNESSETH

WHEREAS, ACTA and COUNTY have heretofore executed AGREEMENT No. 73412, on June 19, 2001, hereinafter referred to as "AGREEMENT," which establishes ACTA's responsibility to design, construct, and inspect the Anaheim Street Drain and Pump Station Project, hereinafter referred to as "PROJECT," with the COUNTY contributing the fixed sum of Eleven Million Five Hundred Thousand and 00/100 Dollars (\$11,500,000); and

WHEREAS, during the design of the PROJECT, the parties determined that the Pump Station should be redesigned based on a revised drainage concept by ACTA to reduce the cost of the Pump Station, and the revised plans and specifications shall be approved by COUNTY prior to putting the redesigned Pump Station out to bid; and

WHEREAS, COUNTY is willing to increase, if necessary, its contribution to PROJECT by paying seventy percent (70%) of the redesign cost of the Pump Station and seventy percent (70%) of the increased construction cost of Pump Station over the original engineer's estimate of Seven Million Two Hundred Thousand and 00/100 Dollars (\$7,200,000.00) up to a combined maximum of One Million Two Hundred Fifty Thousand and 00/100 Dollars (\$1,250,000.00); and

NOW, THEREFORE, ACTA and COUNTY mutually agree to amend the AGREEMENT as follows:

- a. Amend Section (1), Item b, to include the additional sentence:

Prior to putting the redesigned Pump Station out to bid, ACTA shall obtain COUNTY'S written approval of the revised plans and specifications.

- b. Add new Section (1), Item r, to read:

To invoice COUNTY for seventy percent (70%) of the redesign cost of the Pump Station and seventy percent (70%) of the increased construction bid amount of Pump Station in excess of Seven Million Two Hundred Thousand and 00/100 Dollars (\$7,200,000.00), but not more than a combined total of One Million Two Hundred Fifty Thousand and 00/100 Dollars (\$1,250,000.00) upon opening construction bids for Pump Station.

- To deposit with ACTA seventy percent (70%) of the redesign cost of the Pump Station and seventy percent (70%) of the increased construction bid amount of Pump Station in excess of Seven Million Two Hundred Thousand and 00/100 Dollars (\$7,200,000.00), but not more than a combined total of One Million Two Hundred Fifty Thousand and 00/100 Dollars (\$1,250,000.00) within ten (10) business days of receipt of ACTA invoice.

- Upon completion of construction of the Pump Station, ACTA shall provide County with a final accounting of Pump Station redesign and construction costs. If the COUNTY'S contribution for the redesign and increased construction cost of Pump Station is less than the amount deposited by the COUNTY, ACTA, within sixty (60) days, shall return excess funds to the COUNTY. If the COUNTY'S contribution for the redesign and increased construction cost of Pump Station is more than the amount deposited by COUNTY, COUNTY shall pay ACTA seventy percent (70%) of the difference up to the maximum contribution amount of One Million Two Hundred Fifty Thousand and 00/100 Dollars (\$1,250,000).

[illegible]

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT TO AGREEMENT to be executed by their respective officers, duly authorized, by the ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY on August 6, 2003, and by the COUNTY OF LOS ANGELES on \_\_\_\_\_, 2003.

COUNTY OF LOS ANGELES,  
acting on behalf of the Los Angeles  
County Flood Control District

By \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of  
the County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By WLP  
Deputy

ALAMEDA CORRIDOR  
TRANSPORTATION AUTHORITY

By [Signature]  
Chief Executive Officer

By [Signature]  
General Counsel